HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.2326 OF 2005

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Between:

K. Gangadharacharyulu S/o Late K. Ramacharyulu
R/o Brahmamgari Mutt, Town and Mandal, Cuddapah District

..... APPELLANT

AND

1. Srimadvirat Pothuluri Veerabrahmendraswamy Mutt,

Kandimallayyapalli Village, Brahmamgari Mutt (M),
Cuddapah District, rep by Manager, Sri Penchalaiah S/o Late

Rajaiah 52 years R/o Brahmamgari Mutt
Cuddapah District and others

.....RESPONDENTS

:JUDGMENT:

Counsel for Appellant :MR.SIVALENKA RAMACHANDRA PRASAD

Counsel for Respondent No.1: Smt.N.SHOBA

Counsel for Respondents 2 to 4 :GP FOR ENDOWMENTS

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6th December, 2005

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Per G.S.Singhvi, CJ

This appeal is directed against order 7.3.2005 passed by the learned single Judge in W.P.No.1601 of 2004 whereby he quashed order dated 17.1.2004 passed by the State Government in the matter of printing the name of the appellant in the invitation booklets issued by Srimadvirat Pothuluri Veerabrahmendraswamy Mutt.

A perusal of the record shows that appellant's father Sri K. Ramacharyulu acted as Peddacharyulu in the respondent-Mutt and as a mark of respect his name was printed in the invitation cards printed during the important festivals. Sri K. Ramacharyulu died in 1999. Thereafter, the appellant represented for printing of his name in the invitation cards. In the year 2000, he filed an application under A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') for issuance of a direction to the authorities of the Mutt to print his name in the invitation booklets of Sivarathri, Aradhana Brahmotsavam, Devi Navaratri festivals and to appoint him as Peddacharyulu. On notice, Manager of the Mutt filed reply stating therein that the appellant was neither servant nor Mirasidar of the Mutt and there was no usage or custom which could be enforced by the appellant. After considering the same, Commissioner of Endowments passed order dated 8.5.2000 whereby he rejected the appellant's prayer. On revision, the

State Government accepted the claim of the appellant and held that his right to get the name printed was protected under Section 142 of the Act.

Respondent No.1 challenged the order of the State Government in a writ petition filed under Article 226 of the Constitution of India. After hearing the parties, the learned Single Judge concluded that printing the name in the booklet cannot be said to be an honour saved under Section 142 of the Act and the Commissioner of Endowments rightly declined the appellant's prayer for issuance of a direction to the authorities of the Mutt to print his name in the invitation booklets.

We have heard the learned counsel for the appellant and are satisfied that the order passed by the Commissioner of Endowments declining the appellant's prayer did not suffer from any legal infirmity and the learned Single Judge rightly quashed order dated 17.1.2004 passed by the State Government.

A reading of the order shows that the State Government did not assign any reason for holding that printing of name on the invitation booklets was protected under Section 142 of the Act. This is clearly borne out from the following extract of the order dated 17.1.2004.

> After hearing of the case, Government have observed that since, the usage, custom and sampradayam has been protected under the provisions of Section 142 of the Act 30/87 and that the Mutt authorities have also been honouring the Peddacharyulu with Vastrams, and Sambhavanams during festivals such as Sivarathri, Aradhana, Devi Navarathrulu etc., as such there is no hurdle in printing the name of Peddacharyulu on the invitation Booklets as a matter of respect to him as was done previously. Accordingly, the Revision Petition is disposed of.

While allowing the writ petition filed by the Mutt, the learned Single Judge observed as under:

> Admittedly, whatever honours the 4th respondent and the forefathers were getting insofar as Vastrams and Sambhavanam during the festivals such as Sivarathri, Aradhana, Devi Navarathrulu etc. is being continued and if such honour has not been taken away by the Mutt. The only question that arises for consideration is as to whether printing the name of Peddacharyulu in an invitation booklet is an honour. There is no post as Peddacharyulu as such in the petitioner-Mutt. Therefore, I am of the view that printing the name of Peddacharyulu in the invitation booklet cannot be said to be an honour and as such the same has been saved under Section 142 of the Act. The Commissioner of Endowments, rightly held that printing the name of Peddacharyulu in the invitation booklet of the festivals do not attract any usage, custom and it is for the Mutt authorities to decide whether to print the name of any particular person or not. The Government has also not decided

> as to whether the 4th respondent is entitled to get his name printed as an honour. It only stated that printing the name of Peddacharyulu on the invitation booklet is just a matter of respect to him. Honours are different from printing the name of persons in the invitation booklet.

In our opinion, the reasons assigned by the learned Single Judge for holding that printing of name of Peddacharyulu in the invitation booklet did not amount to an honour which could be saved under Section 142 of the Act and that the same did not attract any usage or custom which needed to be protected under 1987 Act are legal and correct. The appellant has not produced any material before the Court to show that printing of name on the booklet constitute a custom or usage of which he could seek protection by invoking the provisions of the 1987 Act.

In the premise aforesaid, we hold that the order of learned Single Judge does not suffer from any legal error and the appeal is liable to be dismissed. Ordered accordingly.

G.S.SINGHVI,CJ

Dt.6.12.2005

R.SUBHASH REDDY,J

msv/vrn/vtv